IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 24645 of 2006(H)

PETITIONER:

MUHAMMED T., S/O. MAYAN KUTTY,
THACHEERU THODY HOUSE, CHALAVARA (POST),
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

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1. CHALAVARA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, PANCHAYAT OFFICE,
CHALAVARA, OTTAPALAM TALUK, PALAKKAD DISTRICT.

2. DEPUTY DIRECTOR OF PANCHAYAT,
DISTRICT PANCHAYAT OFFICE, PALAKKAD.

R1 BY ADV. SMT.PRABHA R.MENON
SRI.M.KRISHNAKUMAR
R2 BY ADV. SRI.K.J. MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/10/2007, ALONG WITH WPC NO. 24626 OF 2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 24626 and 24645 OF 2006

Dated this the 1st day of October, 2007

JUDGMENT

The common grievance of the petitioners in these two cases is that two buildings constructed by them within the area of the respondent Panchayat are not being numbered by the Panchayat on the reason that there is a proposal for acquisition of the sites where on the buildings have been put up under the provisions of the Land Acquisition Act. The issue of acquisition at the instance of the Panchayat had come up before this Court earlier and some of the documents produced by the Panchayat will indicate that there is some seriousness in the Panchayat's stand that the sites of the buildings are required for a public purpose. But, the fact remains that so far, no notification under Section 4(1) of the Land Acquisition Act has been promulgated. The issue in my opinion is covered by the judgment of the Division Bench in **Padmini v. State of Kerala** [1999 (3) KLT 465] and that by the judgment of the Supreme Court in **Raju Jethmalani & others v. State of Maharashtra & others** [(2005) 11 SCC 222]. I therefore dispose of the Writ Petitions issuing the following directions:

The Panchayat shall take a decision on the question of numbering of the buildings within 10 days of receiving copy of this judgment and

inform the petitioners. The proposal to acquire the lands where the buildings are put up, shall not be a ground for refusing the numbering. Notwithstanding the numbering pursuant to the above directions, if the Panchayat is successful in seeing that a notification under Section 4(1) of the Land Acquisition Act is promulgated by the Government for acquisition of the sites of the buildings, within six months from today, the petitioners will not be entitled for any compensation for the buildings put up by them. Even thereafter, it will be open to the Panchayat to acquire the property for any genuine public purpose. But, under such an event the petitioners will be entitled for adequate compensation as per the Land Acquisition Act.

PIUS C. KURIAKOSE, JUDGE

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